



521.1004

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Re: Application of: **Wolfgang KREMERS et al.**
Serial No.: 09/890,503
Filed: 07/31/2001
For: **SELF-RECOVERING CURRENT-LIMITING
DEVICE WITH LIQUID METAL**
Art Unit: Not yet assigned

**RENEWED PETITION UNDER 37 CFR 1.181(a) REQUESTING WITHDRAWAL OF
THE HOLDING OF ABANDONMENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

April 21, 2003

BOX OFFICE OF PETITIONS/PCT

Sir:

In response to the Notice of Abandonment dated November 13, 2002, a copy of which is enclosed, Applicants again petition the Assistant Commissioner for Patents to withdraw the holding of abandonment under 37 CFR 1.181(a).

It is respectfully requested that the Decision dated April 14, 2003 be reconsidered, as the Applicants sole error was a typographical mistake on a postcard and all evidence points to a proper response to the Notification of Missing Requirements.

Applicants responded to the Notification of Missing Requirements in this matter on November 2, 2001. The response was submitted with a check for \$130.00 which was clearly received by the USPTO since it was deducted on February 4, 2002. Further the return receipt

postcard was received, stamped on February 4, 2001, and returned to the applicants. Therefore the applicants did not fail to respond to the Notice of Missing Requirements, as stated in the Notice of Abandonment. The return receipt postcard clearly indicated the submission of a response to the Notice of Missing Requirements. The postcard erroneously itemized an executed assignment instead of an executed declaration. This was a secretarial, typographical error on the postcard only.

The actual response to the Notice of Missing Requirements indicated that an executed Declaration/Power of Attorney form signed by the inventors was enclosed. The check and the Response were received and so should have been the executed declaration mentioned in the Response (see highlighted section).

If the Response were somehow defective, Applicants normally would have a chance to correct it. However, no such chance was provided, as the problem appears to have been that no documents were received by the PTO, not that no declaration was received.

The declaration document had been signed and dated by the three inventors on July 30, 2001 and August 1, 2001 respectively. This date was before the filing of the response to the notice of Missing Requirements on November 2, 2001.

Moreover the corresponding executed assignment had been filed for recordation with the Assignment Office on November 2, 2001, the same date as the Response to the Notice of Missing Requirements. The executed assignment was recorded on February 25, 2002 under reel 012644 and frame 0268. If the assignment was filed and received by the PTO it is clear that the attached document sent in the Response to the Notice of Missing Requirements and noted on the postcard, was not an assignment, and was the declaration stated in the Response.


Please find enclosed copies of the Response to Notice to File Missing Requirements with a signed Certificate of First Class Mail dated November 2, 2001 (1 page), a copy of the filed executed Declaration/PoA (2 pages), a copy of the check for \$130.00, a copy of the Notification of Missing Requirements (1 page), and a copy of the stamped Return Receipt Postcard (1page).

Applicant believes that there was no failure to timely file a proper reply to the Office letter mailed on September 13, 2001. Therefore Applicants again petition the Assistant Commissioner for Patents to withdraw the holding of abandonment.

No fee is believed due. However if any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By 
William C. Gehris
Reg. No. 38,156

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736 - 1940



521.1004

UNITED STATES PATENT & TRADEMARK OFFICE

Re: Application of: Wolfgang KREMERS et al.
Serial No.: 09/890,503
Filed: July 31, 2001
For: SELF-RECOVERING CURRENT-LIMITING
DEVICE WITH LIQUID METAL

RESPONSE TO NOTICE TO FILE MISSING PARTS

BOX: MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

COPY

November 2, 2001

Sir:

In response to the Notification of Missing Requirements dated September 13, 2001, a copy of which is enclosed, please find an executed Declaration/Power of Attorney form signed by the inventors, and a check in the amount of \$130.00 covering the filing surcharge.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By William C. Gehris
William C. Gehris
Reg. No. 38,156

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736 - 1940

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on November 2, 2001.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: Jan Decker
Jan Decker

COPY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

SELF-RECOVERING CURRENT-LIMITING DEVICE WITH LIQUID METAL

the specification of which (check one)

☐ is attached hereto

☒ was filed on 22 January 2000 as International Application Serial No. PCT/EP00/00479 and was amended on (if applicable).

☐ I hereby authorize and request our attorneys, Davidson, Davidson & Kappel, LLC of 485 Seventh Avenue, New York, New York 10018 to insert here in parentheses (application number, _____) the filing date and application number of said application when known.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information that is known to me to be material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign and/or provisional application(s) for patent or inventor's certificate listed below and have also identified below any foreign and/or provisional application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| | | | |
|-----------------|---------|----------------------|---|
| DE 199 03 837.6 | Germany | 1 February 1999 | Priority claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Number | Country | Day/Month/Year Filed | |
| | | | Priority claimed <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Number | Country | Day/Month/Year Filed | |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|---------------------------|----------------------|--------|
| Application Serial Number | Day/Month/Year Filed | Status |
| | | |
| Application Serial Number | Day/Month/Year Filed | Status |
| | | |

And I hereby appoint Clifford M. Davidson, Reg. No. 32,728, Leslye B. Davidson, Reg. No. 38,854, Cary S. Kappel, Reg. No. 36,561, William C. Gehris, Reg. No. 38,156, Morey B. Wildes, Reg. No. 36,968, Robert J. Paradiso, Reg. No. 41,240, Erik R. Swanson, Reg. No. 40,833, Thomas P. Canty, Reg. No. 44,586, Livia S. Boyadjian, Reg. No. 34,781, and all other registered attorneys and agents at Davidson, Davidson & Kappel, LLC, U.S. Patent and Trademark Office Customer Number 23280, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith; correspondence address: DAVIDSON, DAVIDSON & KAPPEL, LLC, 485 Seventh Avenue, 14th Floor, New York, New York 10018; Telephone: (212) 736-1940; Fax: (212) 736-2427.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | |
|-------------------------------------|--|
| Full name of sole or first inventor | Wolfgang KREMERS |
| Inventor's signature | <i>Wolfgang Kreamer</i> |
| Date | 30.07.01 |
| Residence | Bonn, Germany |
| Post Office Address | Kapitelshof 30, D - 53229 Bonn, Germany |

| | |
|----------------------------------|--|
| Full name of additional inventor | Frank BERGER |
| Inventor's signature | <i>Frank Berger</i> |
| Date | 01.08.01 |
| Residence | Swistal - Miel, Germany |
| Post Office Address | Spiessgarten 2, D - 53913 Swistal - Miel, Germany |

COPY

Docket No.:521.1004

| | |
|----------------------------------|---|
| Full name of additional Inventor | Andreas KRAETZSCHMAR |
| Inventor's signature | <i>A. Kraetzschmar</i> |
| Date | 1. August 2001 |
| Residence | Bonn, Germany |
| Post Office Address | Edith - Stein - Anlage 21, D - 53123 Bonn, Germany |
| Citizenship | German |

| | |
|----------------------------------|--|
| Full name of additional Inventor | |
| Inventor's signature | |
| Date | |
| Residence | |
| Post Office Address | |
| Citizenship | |

| | |
|----------------------------------|--|
| Full name of additional Inventor | |
| Inventor's signature | |
| Date | |
| Residence | |
| Post Office Address | |
| Citizenship | |

| | |
|----------------------------------|--|
| Full name of additional Inventor | |
| Inventor's signature | |
| Date | |
| Residence | |
| Post Office Address | |
| Citizenship | |

| | |
|----------------------------------|--|
| Full name of additional Inventor | |
| Inventor's signature | |
| Date | |
| Residence | |
| Post Office Address | |
| Citizenship | |

| | |
|----------------------------------|--|
| Full name of additional Inventor | |
| Inventor's signature | |
| Date | |
| Residence | |
| Post Office Address | |
| Citizenship | |

| | |
|----------------------------------|--|
| Full name of additional Inventor | |
| Inventor's signature | |
| Date | |
| Residence | |
| Post Office Address | |
| Citizenship | |

| | |
|----------------------------------|--|
| Full name of additional Inventor | |
| Inventor's signature | |
| Date | |
| Residence | |
| Post Office Address | |
| Citizenship | |

Our Ref. 521.1004

November 2, 2001

WCG:JMD:cc

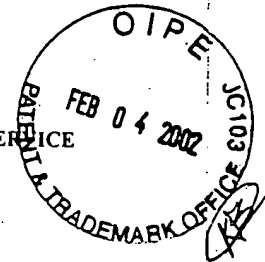
Re: PCT International Application Transmittal of:
Wolfgang KREMERS, et al.
Serial No.: 09/890,503
Filed: July 31, 2001
For: SELF-RECOVERING CURRENT-LIMITING DEVICE
WITH LIQUID METAL

Enclosed Are:

- Response to Notice to file missing parts (1 page);
- Notification of Missing Requirements (1 page);
- Executed Assignment (2 pages);
- Check for \$130.00

MAILED BY FIRST CLASS MAIL VIA U.S. POSTAL SERVICE

DUE:
BOX: MISSING PARTS
RECEIVED BY:



JC10 Rec'd PCT/PTO 04 FEB 2002

COPY

ASSISTANT COMMISSIONER FOR PATENTS
Washington, DC 20231



DT16 PCT/PTO 25 APR 2003
Bucket No. 521-1004
Date: April 21, 2003

In re application of: **Wolfgang KREMERS, et al.**
Serial No.: 09/890,503
Filed: July 31, 2001
For: **SELF-RECOVERING CURRENT-LIMITING DEVICE WITH LIQUID METAL**

Sir:

Transmitted herewith is a **Renewed Petition under 37 CFR 1.181(a) (3 pages)** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
☒ No fee for additional claims is required.
☐ A filing fee for additional claims calculated as shown below, is required:

| FOR: | (Col. 1) | (Col. 2) | | SMALL ENTITY | | OR | LARGE ENTITY | |
|--|------------|------------|---------|--------------|-------|----|--------------|-------|
| | REMAINING | HIGHEST | | RATE | FEE | | RATE | FEE |
| | AFTER | PREVIOUSLY | PRESENT | | | | | |
| | AMENDMENT | PAID FOR | EXTRA | | | | | |
| TOTAL CLAIMS | * Minus** | = | 0 | x \$ 9 | \$ | | x \$ 18 | \$ |
| INDEP. CLAIMS | * Minus*** | = | 0 | x \$ 40 | \$ | | x \$ 80 | \$ |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | + | \$135 | \$ | + | \$270 |

TOTAL: \$ OR TOTAL: \$

- * If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☒ Also transmitted herewith are:
☐ Petition for extension under 37 C.F.R. 1.136 (in duplicate)
☒ Other: **Stamped Return Receipt Postcard; Check for \$130; Response to Notice to File Missing Requirements; Notice to File Missing Requirements; Executed Declaration PoA.**
- ☐ Check(s) in the amount of \$.00 is/are attached to cover:
☐ Filing fee for additional claims under 37 C.F.R. 1.16
☐ Petition fee for extension under 37 C.F.R. 1.136
☐ Other:
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

William C. Gehris, Reg. No. 38,156
DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on April 21, 2003.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:

Jan Decker



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

| | | |
|----------------------|-----------------------|------------------|
| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/890503 | KREMERS | W 521.1004 |

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK, NY 10018**COPY**

INTERNATIONAL APPLICATION NO.

PCT/EP00/00479

I.A. FILING DATE

PRIORITY DATE

22 JAN 00

01 FEB 99

DATE MAILED **13 SEP 2001****NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input checked="" type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- | | |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached ~~PCT/DO/EO/917~~ unexecuted
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

- | | |
|--|--|
| Enclosed: <input type="checkbox"/> PCT/DO/EO/917 | <input type="checkbox"/> Notice of Defective Translation |
| <input type="checkbox"/> PTO-875 | <input type="checkbox"/> PCT/DO/EO/920 |

Tamala D. Holland

Telephone: 703-305-5483

FORM PCT/DO/EO/905 (March 2001)

RECEIVED

SEP 17 2001

DAVIDSON, DAVIDSON & KAPPEL